but is probably opposed to the weight of authority. *Davidson* v. *Rothchild's Adm'r,* 49 Ala. 104; *Gale* v. *Shillock,* 4 Dak. 182; *McNail* v. *Welch,* 26 Ill. App. 482; *Juneau* v. *Strinkle,* 40 Kan. 756; *Bailey* v. *O'Bannon,* 28 Mo. App. 39; *Smith* v. *Pelott,* 18 N. Y. Supp. 301; *Adams* v. *Utley,* 87 N. C. 356; *Peckham Iron Co.* v. *Harper,* 41 Ohio St. 99; *Barrett* v. *Featherstone,* 89 Tex. 567. In a few jurisdictions it has been held that such evidence is inadmissible unless it is shown that the recitals were inserted under the party's direction or were ratified by him. *Vogel* v. *Osborne & Co.,* 32 Minn. 167; *Corbett* v. *Clough,* 8 S. D. 176. This would seem to be the most reasonable rule.

GARNISHMENT—NONRESIDENT DEFENDANT—JURISDICTION.—In garnishment proceedings the plaintiff, defendant and garnishee are nonresidents, and the indebtedness sought to be reached is not payable in Minnesota, where the action is brought, but in another state where the principal defendant was in the employ of the garnishee defendant: *Held,* that the courts of Minnesota have jurisdiction to entertain garnishment proceedings against nonresident parties in all cases where the defendant and garnishee are both personally served with process while within the state. *McShane* v. *Knox et al* (*Northern Pac. Ry. Co., Garnishee*) (1908), — Minn. —, 114 N. W. Rep. 955.

Since a decision of the Supreme Court of the United States in 1905, the validity of a judgment in garnishment, where the garnishee has been personally served, is unquestioned. See *Harris* v. *Balk,* 198 U. S. 215, 25 Sup. Ct. 625, 49 L. Ed. 1023. It was therein decided that power over the person of the garnishee confers jurisdiction on the courts of the state where the writ issues, and this was reaffirmed in *Louisville, etc., Railroad Co.* v. *Deer* (1906), 200 U. S. 176, 26 Sup. Ct. 207, 50 L. Ed. 426. Both these cases arose by way of a collateral attack on the garnishment judgment, and the sole question at issue related to the jurisdiction of the court. It seems clear therefore that the court in the principal case properly sustained jurisdiction, but beyond this there is a further question which the learned justice passes over without consideration. The situs of property for jurisdiction is one thing, and its situs for the purpose of determining the rights of the parties thereto is another; although a court has jurisdiction of the debt, it may deem it unjust to charge the garnishee in respect to it. ROOD, GARNISHMENT, § 246, *Mason* v. *Beebee,* 44 Fed. 556. This is purely a question of policy, but it is submitted that it should not be lightly disposed of as merely ancillary to the question of jurisdiction. The scarcity of decisions on this precise point is probably due to the fact that the problem of jurisdiction was so long unsettled (See MINOR, CONFLICT OF LAWS, § 125) that courts rarely troubled themselves about further matters. It has been held, however, in Michigan, that a debt due in another state will not be subjected to garnishment in Michigan, though the garnishee be personally served, if the rights of the principal debtor are in any way affected. *Drake* v *Lake Shore and Michigan Southern Railroad Co.,* 69 Mich. 168, 37 N. W. 70. See also *Hamilton* v. *Plumer,* 67 Mich. 135, 34 N. W. 278, and *Central Trust Co.* v. *Chattanooga, etc., R. Co.,* (C.C.) 68 Fed. 685, where the cases involving this question are discussed.